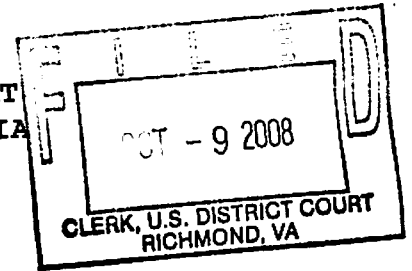


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



JOHNNY R. HUFF,

Plaintiff,

v.

Civil Action No. 3:08CV516

U.S. DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on August 26, 2008, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an in forma pauperis affidavit form for this purpose.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed in forma pauperis affidavit form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. See Fed.

R. Civ. P. 41(b). Accordingly, this action will be DISMISSED  
WITHOUT PREJUDICE.

The Clerk is directed to mail a copy of the Memorandum  
Opinion to Plaintiff.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: October 8, 2008